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| J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618 | | | EXAMINER WALK, SAMUEL J | |
| | | | ART UNIT 2612 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,849

Applicant(s)

CHENG, ZIYI

Examiner

SAMUEL J. WALK

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33, 35, 36, 38-43 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33, 35, 36, 38-43 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33, 35, 40-42, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US 6400835) in view of Goldberg (US 2004/0008872).

Regarding Claim 33, Lemelson discloses a security system employing facial recognition wherein claimed alarming and monitoring sensor is met by standard car alarm system, see Col. 12 lns 35-36; claimed communication module is met by radio transmitter, see Col. 12 lns 39-42; claimed pickup is met by microphone, see Col. 18 lns 21-26; claimed CPU module is met by microprocessor, see Col. 11 lns 23-24; claimed cameras are met by infrared electronic camera 12b and television camera 12a, see Col. 5 lns 19-20; claimed facial recognition program is met by facial-recognition algorithm and comparison database, see Col. 11 lns 24-30. Furthermore, it has been determined that an infrared camera and a thermo-luminous electric camera are both capable of imaging in insufficient lighting environments and can use the same devices, and are available in the market. This is also supported by the admission of the Applicant in lines 10-12 on page 2 of the Specification. Therefore, it would have been obvious to use the infrared camera of Lemelson to perform both functions. Lemelson also describes that the system recognizes improper facial positioning and thus would determine a level of tilt of a person's face, see Col. 11 lns 38-58. Furthermore, Lemelson discloses employing computerized image

analysis of facial features. Lemelson also states that such systems may operate by examining information resulting from visual images or thermal patterns of all or select portions of the face. For thermal pattern analysis, it is known that arteries and veins emit infrared radiation (heat), which varies in intensity across skin surface and can be identified. U.S. Pat. No. 4,699,149 to Rice and the references cited therein describe representative systems of that sort and are incorporated herein by reference. Such thermal systems can be used to recognize facial arterial and venous structures. Thermal scans are particularly useful, because they are more difficult to counterfeit than reflected-light, visual-based systems. For example, a determined thief may use a mask with an image of a person known to be authorized, but a thermal system would be harder to defeat in that manner, see Col. 5 lns 1-16, including the citation of incorporation by reference of Rice by Lemelson.

Lemelson does not disclose facial ornaments identification. However, Goldberg discloses obtaining person-specific images wherein identification of a person includes the presence or absence of eyeglasses, color of eyeglasses, makeup color, jewelry, facial hair distribution, hair color and skin tone, see paras. [0134-0136]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Goldberg into the system of Lemelson because adding additional identification means would enhance the probability of a positive or negative match.

Regarding Claim 35, Lemelson further discloses a speaker 38 which plays instructions for the person to adjust their facial positioning after one or more unsuccessful scans, see Col. 11 lns 55-58.

Regarding Claim 40, Lemelson further discloses voice recognition, see Col. 18 lns 21-26.

Regarding Claim 41, see above rejection in reference to Claim 33. In addition, Lemelson teaches the system may be operable to radio transmit an alert code to a remote receiver at a monitor station that an attempt is being made to illegally drive the vehicle, see Col. 12 lns 39-42. Also, microcomputer 56 stores a record facial image of the person attempting to steal the car, see Col. 12 lns 21-23.

Regarding Claim 42, Lemelson first discloses that a plurality of cameras are installed at four locations in the vehicle and two or more cameras may be used to permit correlation of views or added identification possibilities, see Col. 6 lns 40-64. Lemelson then discloses thermal, infrared and conventional television cameras, see Col. 5 lns 1-20. The system can be operable to require a potential driver to pass both the infrared and conventional camera scans, see Col. 5 lns 23-30. One having ordinary skill in the art at the time the invention was made would have readily recognized to take the system one step further and include a thermal scan to compare and determine if the person was trying to defeat the security scan by wearing a mask with an image of the authorized person for added security.

Regarding Claim 45, as stated above, Lemelson discloses a radio transmitter that sends an alert code to a monitoring station, see Col. 12 lns 39-43.

Regarding Claim 46, Lemelson discloses a microprocessor or microcontroller 56 which is programmed with an appropriate, known facial-recognition algorithm.

Regarding Claim 47, as defined by the Applicant in line 26 of page 1 of the Specification, a numerical code camera is a digital camera. Lemelson discloses the use of a digital camera, see Col. 7 lns 5-6.

Regarding Claim 48, see above rejection in reference to Claim 33. In addition, Lemelson discloses car alarm system, see Col. 12 lns 35-36.

Regarding Claim 49, Lemelson further discloses a speaker 38 which plays instructions for the person to adjust their facial positioning after one or more unsuccessful scans, see Col. 11 lns 55-58.

Regarding Claim 50, see above rejection in reference to Claims 33, 42 and 49. One having ordinary skill in the art at the time the invention was made would have taken the teaching of Lemelson that states prompting a person to reposition their face for proper scanning would have readily recognized that a similar prompt would be used for other situations such as removing a mask since mask detection is included in the process.

3. Claims 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Goldberg and in further view of Breed (US 7049945).

Regarding Claims 36 and 38, Lemelson discloses a facial recognition system. Lemelson does not disclose a plurality of cameras inside and outside the vehicle for capturing images to be displayed on a heads up display. However, Breed teaches of a vehicular blind spot identification and monitoring system wherein a plurality of infrared devices including CCD or CMOS arrays are positioned at various places with views of the environment surrounding the vehicle, see Col. 18 lns 58-67, Col. 22 lns 60-63, Col. 23 lns 15-55 and Col. 27 lns 15-39. The artificial images are then shown on a heads-up

display, see Col. 30 lns 49-50. Breed further teaches that the display could show the actual images when such displays are available, see Col. 16 lns 54-59. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Breed into the system of Lemelson and Goldberg in order to make the vehicle even safer. In addition, one having ordinary skill in the art would have readily recognized that the positioning of the cameras would be placed in any number of different positions as determined by routine experimentation to optimize viewing area. Also, as the Applicant points out in lines 10-15 of page 35 of the Specification, the cameras can be set-up at any position according to design requirements and therefore, placement of the devices lacks criticality.

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Goldberg and in further view of Shanmugham (US 6630884).

Regarding Claim 39, Lemelson does not disclose an automobile status recorder for burst events, i.e. accidents. However, Shanmugham teaches of a surveillance system for vehicles that captures visual or audio data, see Col. 2 lns 30-67 and Col. 3 lns 18-22. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Shanmugham into the system of Lemelson and Goldberg so that in the case of an accident, law enforcement would have the ability to review the recording and dispense the proper citations to the liable persons.

5. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Goldberg and in further view of Applicant Admitted Prior Art (AAPA).

Regarding Claim 43, Lemelson does not disclose an anti-interference radio communication system. However, as described in the Applicant's Specification, anti-interference radio communication systems such as USA Pacific Crest Corporation's high-rate data transmission radio station EDL are well known in the art. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of AAPA in order to increase security and decrease the likelihood of theft.

Response to Arguments

6. Applicant's arguments filed 07/28/2008 have been fully considered but they are not persuasive. As shown above, Lemelson teaches a thermo-luminous electric infrared camera device (interpreted and defined as the same as an infrared camera). Also, as shown above, Lemelson and Goldberg (including the citation of incorporation by reference of Rice by Lemelson) teaches all the facial characteristics identifications claimed. See the rejection in reference to Claim 33.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL J. WALK whose telephone number is (571)272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJW/

/Benjamin C. Lee/
Supervisory Patent Examiner, Art Unit 2612